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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,178	03/24/2000	Hiroshi Utsunomiya	61049	1969
7590	03/29/2004		EXAMINER	
Cooper & Dunham LLP 1185 Avenue of Americas New York, NY 10036			SLOAN, NATHAN A	
			ART UNIT	PAPER NUMBER
			2614	8

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/534,178	UTSUNOMIYA ET AL.
	Examiner	Art Unit
	Nathan A Sloan	2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 24 March 2000.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-17 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-17 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5 and 7</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 5-8, 11-13, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Goldschmidt Iki et al. (6,594,825).

With respect to claims 1, 7, and 12, the claimed audio and/or video signal transmitting system with a plurality of audio and/or video signal transmitting apparatuses with a plurality of analog outputs and a plurality of digital input/output means is met as seen in Fig. 1. Although not explicitly shown, it is inherent that transmitters are provided to supply the satellite input 126 and other inputs 124, 128, 134. The transmitting apparatuses provide signals indicating signal format and outputting it from to the receiver as seen in Fig. 4 via a received EPG indicating a transport medium / format at 404 and alternatively an audio format at 406. The system 100 contains various devices such as television display device 102, CD player 112, etc for receiving analog and digital data (col. 4:36-54) forming a display signal for television 102. Video characteristics are stored including indicators of signal format from various inputs (Fig. 4, items 404, 406). Controller 200 is operative as means to provide an overlay of these characteristics to facilitate user selection (col. 7:2-11).

With respect to claims 2, 8, and 13, the claimed use of a predetermined code in a comparison table is seen with the EPG shown in Fig. 4 as a table and including “codes” as indicators of a signal format such as “analog broadcast,” “digital cable,” “stereo,” “dolby pro logic,” etc.

With respect to claim 5, the claimed superimposing at the receiving side is met as noted above in response to claim 1. Furthermore, the claimed window synthesizing using a plurality of windows is met by overlaying characteristics and use of separate windows on a display (col. 7:2-11).

With respect to claims 6, 11, and 17, the claimed use of IEEE 1394 formats is met by use of an IEEE 1394 bus and standards as taught in col. 3:38-43.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-4, 9-10, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldschmidt Iki (6,594,825).

With respect to claims 3-4, 9-10, and 14-15, Goldschmidt Iki does not teach use of a predetermined bit map logo to indicate the format. Examiner takes Official Notice that bit map logos were notoriously well known in the art at the time of the invention. It would have been

obvious for one skilled in the art at the time of the invention to modify Goldschmidt Iki by using bit map logos in order to provider users with a readily understood, aesthetically pleasing display that provides for easy program selection.

With respect to claim 16, the claimed window synthesizing using a plurality of windows is met by overlaying characteristics and use of separate windows on a display (col. 7:2-11). Goldschmidt Iki does not teach superimposing for each signal the format at the transmitting side. Examiner takes Official Notice that it was well known in the art at the time of the invention to indicate superimpose data at a transmitting end. It would have been obvious for one skilled in the art at the time of the invention to superimpose the format of a signal at the transmitting end in order to simplify receiver side equipment and reduce direct costs to consumers.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Maeshima et al. (5,402,177) – inserting additive information into a video signal to indicate aspect ratio and superimposing (title, Fig. 5A-5B).

Yazolino et al. (5,355,162) – format indicating in a channel map and superimposing.

Han (6,421,094) – multiple analog / digital inputs, formatting, and overlay ability.

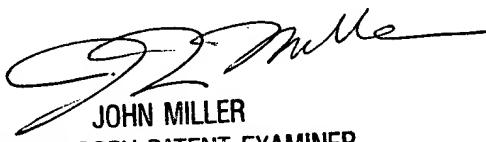
Kawamura et al. (5,371,553).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan A Sloan whose telephone number is (703) 305-8143. The examiner can normally be reached on Mon-Fri 7:30am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703)305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NAS



JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600